

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY E. WALKER,)
Plaintiff(s),) No. C 08-0801 CRB (PR)
v.) SECOND ORDER OF
JANE LOVELLE, et al.,) SERVICE
Defendant(s).) (Docs # 12 & 13)

Plaintiff, a prisoner at the California Medical Facility in Vacaville, filed a pro se First Amended Complaint for damages under 42 U.S.C. § 1983 ("FAC") alleging that, while he was at the San Francisco County Jail, jail officials denied him adequate mental health treatment.

Per order filed on July 2, 2008, the court found that, when liberally construed, plaintiff's allegations appear to state a cognizable § 1983 claim for deliberate indifference to serious medical needs against the named defendants and ordered the U.S. Marshal to serve them. The court also noted that plaintiff may proceed against the unnamed Doe defendants if, within 60 days, he identifies them via discovery and moves to amend to add them.

Plaintiff has identified one of the unnamed Doe defendants, Captain Jane Doe CJ-1, as Captain Sabrina Butler and submitted a proposed amended complaint adding her. Good cause shown, plaintiff's motion (doc # 13) to file an

1 amended complaint adding Captain Butler is GRANTED. The clerk is instructed
2 to file the proposed amended complaint as Second Amended Complaint ("SAC")
3 and to issue summons as to Captain Sabrina Butler so the United States Marshal
4 can serve, without prepayment of fees, copies of the SAC and of this and all prior
5 orders on Captain Butler. The clerk also shall serve a copy of this order on
6 plaintiff and all other defendants.

7 Plaintiff's accompanying motion for appointment of counsel (doc # 12) is
8 denied for lack of exceptional circumstances. See Terrell v. Brewer, 935 F.2d
9 1015, 1017 (9th Cir. 1991); Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.
10 1986).

11 SO ORDERED.

12 DATED: Sept. 8, 2008



13 CHARLES R. BREYER
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JEFFERY EUGENE WALKER,

Case Number: CV08-00801 CRB

Plaintiff,

CERTIFICATE OF SERVICE

v.

JOHN DOE et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jeffery E. Walker F-11343
CMF
P.O. Box 2000
Vacaville, CA 95696-2000

Dated: September 8, 2008

Richard W. Wiking, Clerk
By: Barbara Espinoza, Deputy Clerk